

# United States District Court District of Massachusetts

JAMES AND SHONNA GAUL,  
Plaintiffs,

v.

CIVIL ACTION NO. 12-10129-NMG

AURORA LOAN SERVICES LLC,  
Defendant.

## ***REPORT AND RECOMMENDATION ON DEFENDANT'S MOTION TO DISMISS (#5)***

COLLINGS, U.S.M.J.

### *I. Introduction*

This action arises from plaintiffs James and Shonna Gaul's ("the Gauls") attempts to modify their home mortgage loan with defendant Aurora Loan Services LLC ("Aurora").<sup>1</sup> On January 23, 2012, the Gauls filed a six-count complaint in the United States District Court for the District of Massachusetts against defendants Aurora and Aurora Bank FSB seeking permanent injunctive

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<sup>1</sup>

The complaint names both Aurora Loan Services LLC and Aurora Bank FSB as defendants in the body of the complaint. (See #1 ¶¶ 2, 3) However, Aurora Bank FSB is not listed in either the caption of the complaint or on the docket as a defendant. Further, the plaintiffs have not filed proofs of service on either defendant. The motion to dismiss has been filed only on behalf of Aurora Loan Services LLC. The complaint must be amended to deal with this problem.

*Report and Recommendation accepted and  
adopted. SMC/MS, USDS 3/21/13*